

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

v.

CALVIN DARDEN, JR.,

*Defendant.*

-----X

State of New York )  
County of New York : ss.:  
Southern District of New York )

**Affirmation**  
**Order of Continuance**

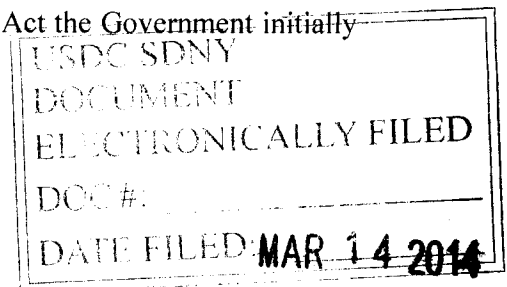
**14 Mag. 283**

James J. Pastore, Jr., pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Preet Bharara, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. §3161(h)(7)(A).

2. The defendant was charged in a complaint dated February 11, 2014, with violations of Title 18, United States Code, Sections 1343 and 2. The defendant voluntarily surrendered on the late afternoon February 12, 2014, and therefore was presented before Magistrate Judge Andrew J. Peck the following day, February 13, 2014. At the initial presentment, Calvin Darden, Jr. was represented by Xavier Donaldson, Esq. and was detained pending his ability to meet the bail set by Magistrate Judge Peck.

3. At the initial presentment, defense counsel consented to a waiver of the right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 14 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government initially



had until March 14, 2014, within which to file an indictment or information. However, the preliminary hearing date initially was set for 30 days from February 13, 2014 (the date of the initial presentment), or March 17, 2014.

4. Defense counsel and I have had discussions regarding a possible disposition of this case, and those discussions continue. However, I do not anticipate a resolution of our negotiations before the deadline under the Speedy Trial Act expires on March 14, 2014.

5. Therefore, the Government is requesting a 30-day continuance until April 14, 2014, to continue the foregoing discussions and, potentially, reach a disposition of this matter. I have communicated with defense counsel, who specifically consented to this request.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York  
March 14, 2014

**James  
Pastore**

Digitally signed by James Pastore  
DN: cn=James Pastore, st=NYS,  
c=US, ou=Dept of Justice,  
ou=EOUSA, o=U.S. Government  
Date: 2014.03.14 08:36:49 -04'00'

James J. Pastore, Jr.  
Assistant United States Attorney  
(212) 637-2418

